

Appln. Ser. No. 09/876,762  
Amendment and Response to Office Action dated September 14, 2006  
Attorney Docket No. 72167.000254  
January 16, 2007

### **REMARKS**

Claims 1-43 are pending in this application. Claims 1, 3, 5-7, 9, 11, 15, 16, 18, 20-25, 27-29, 31, 33, 35, 36, 38 and 40-43 have been amended. No new matter has been added by way of these amendments. Figures 1-4 were objected to by the Examiner. *See* Office Action at ¶ 2. Claims 1-43 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. *See* Office Action at ¶ 3. Applicant responds as follows.

#### **I. REPLACEMENT FIGURES.**

Replacement figures for Figures 1-4 are submitted. Applicant respectfully submits that the replacement figures comply with 37 C.F.R. § 1.121(d) and request that the objections to the drawings be withdrawn.

#### **II. CLAIM REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH.**

Claims 1-43 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. *See* Office Action at ¶ 3. Claims 1, 3, 5-7, 9, 11, 15, 16, 18, 20-25, 27-29, 31, 33, 35, 36, 38 and 40-43 have been amended and Applicant respectfully submit that this rejection should be withdrawn in light of these amendments.

In ¶ 4.6, the Examiner further asserts that “there is no recitation of the amount of the deposit specified in the deposit request and other appropriate process steps . . . [t]he process of executing the deposit request must require a monetary amount to be deposited and the source of the amount . . . [t]he claim(s) on this basis is vague and unclear . . . [i]n responding to this deficiency please indicate how this feature is enabled by the specification.” Applicant has amended independent claims 1 and 24 to recite that the deposit request comprises a principle amount of a deposit, and further that the principle amount of the deposit specified in the executed received generated deposit request or modified deposit request is deposited by the bank into an account of the customer. Applicant submits that the application as filed at paragraphs [0003]-[0008] provide support for these amendments. These paragraphs describe that banks offer the

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service of taking of deposits, which are defined as “the taking of currencies from customers for an indefinite period of time (e.g., call deposits) or for a fixed time period, typically from overnight up to one year.” See [0003]. Applicant further submits that claims 17-20 and 37-41, as originally filed, provide further support for these amendments in that these claims require that the customer supply data representing the principle amount of the deposit, and also supply data representing at least one customer account associated with the deposit.

The test for enablement is “whether [the] disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention.” See MPEP § 2164.01. Applicant respectfully submits that it cannot be disputed that one of ordinary skill in the art at the time of filing of the application would have understood that a deposit as described in the specification entails the deposit of a principle amount into an account of the depositing customer in a financial institution, such as a bank. Accordingly, Applicant respectfully submits that one of ordinary skill in the art at the time of the filing of the application would have been enabled to deposit funds into an account according to the invention(s) as claimed. Further, the burden is on the examiner “to establish a reasonable basis to question the enablement provided for the claimed invention.” *Id.* at § 2164.03, citing *Genentech v. Wellcome Foundation*, 29 F.3d 1555, 1563-64, 31 USPQ2d 1161, 1167-68 (Fed. Cir. 1994). Applicant respectfully submits that no reasonable basis has been established to question the enablement of the claimed inventions, and therefore this rejection should be withdrawn.

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**CONCLUSION**

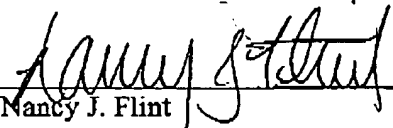
Applicant respectfully submits that claims 1-43 are in condition for allowance, and earnestly solicits the same. This Response has been filed within four months of the mailing date of the Office Action and the Commissioner is authorized to deduct the fee of \$120.00 for a one month extension of time from the undersigned's Deposit Account No. 50-0206. It is believed that no additional fees are due in connection with this filing. If any variance from these authorized fees are determined to be due, the Commissioner is authorized to charge or credit such variance to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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